

Appendix 1: Model User Charge System

ARTICLE 1: GENERAL

An ordinance establishing user charges in the town/city/borough of _____ for the purpose of providing funds for the operation and maintenance expenses associated with the municipal wastewater collection, conveyance, and treatment facilities.

As provided for under Section 7-255 et seq. of the Connecticut General Statutes, the Water Pollution Control Authority (WPCA) is empowered to establish and revise fair and reasonable charges for the use of the municipal sewerage system. The owner of property against which any such use charge is levied shall be liable for the payment thereof. Municipally owned and other tax-exempt property which uses the sewerage system shall be subject to such charges under the same conditions as are the owners of other property.

No charge for the use of the municipal sewerage system shall be established or revised until after a public hearing before the WPCA, at which owners of property which use the sewerage system shall have an opportunity to be heard concerning the proposed charges. Notice of the time, date, and place of such hearing shall be published at least ten days before the hearing in a newspaper having a general circulation in the municipality, and a copy of the proposed charges shall be on file in the office of the Town Clerk for public inspection at least ten days before the date of the hearing.

Within five days of having established such charges, the WPCA shall cause the same to be published in a newspaper having a general circulation in the municipality.

ARTICLE 2: DEFINITIONS

BOD: Biochemical oxygen demand. The quantity of oxygen utilized in the biochemical oxidation of organic matter in a specific time and at a specified temperature, usually 5 days and 20° C.

ppm: Parts per million.

Sewerage System: A collective term used to describe all the property involved in wastewater treatment and disposal, including sewer lines and appurtenances, pumping stations, treatment facilities, and land.

Suspended Solids: Solids that either float on the surface of or are in suspension in water, wastewater, or other liquids and that are removable by a standard laboratory filtering procedure.

WPCA: The municipality's Water Pollution Control Authority, as authorized by Connecticut General Statutes § 7-246.

ARTICLE 3: CALCULATION OF CHARGES

The total cost of the operation and maintenance of the sewerage system, including replacement fund, (OM&R cost) shall be recovered from the users of the system. Each user's share of the OM&R cost of the sewerage system shall be in proportion to the user's contribution to the total wastewater loading of the sewerage system. All users shall be charged on the basis of their total wastewater contribution. Surcharges shall be added to the volume based charges for wastewater discharges whose BOD or suspended solids concentrations are in excess of 300 ppm, or for discharges whose other constituents result in an identifiable increase in wastewater conveyance, treatment, or disposal costs.

The WPCA will review the sewer user charges annually and revise the rates as necessary to ensure that adequate revenues are generated to recover all OM&R costs and that the rate structure continues to distribute the costs of wastewater collection and treatment among the users in proportion to their contribution.

ARTICLE 4: COLLECTION AND PAYMENT

All sewer use charges shall be billed quarterly through the WPCA and shall be paid in full within a period of thirty days after same is declared due and payable unless otherwise stated on the billing form.

Any charge for the use of a sewerage system, not paid within thirty days of the due date, shall thereupon be delinquent and shall bear interest from the due date at the rate and in the manner provided by the general statutes for delinquent property taxes. Each addition of interest shall be collectible as a part of such connection or use charge. Any such unpaid connection or use charge shall constitute a lien upon the real estate against which such charge was levied from the date it became delinquent. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as a lien for property taxes.

All revenues collected under the provisions of this ordinance shall be kept separate from any other funds of the municipality and shall be used solely for the purposes stated in Article 1 of this ordinance, and for no other purpose. Fiscal year-end balances shall be used to defray the following year's costs, or shall be deposited in a non-lapsing fund established for replacement of major mechanical components which could reasonably be expected to require replacement during the useful life of the treatment works. If, as a result of a shortfall, funds have been transferred from other sources into the sewerage funds account, those funds shall be repaid at the beginning of the next fiscal year, and the sewer user charge shall be increased to cover the transfer of these funds.

ARTICLE 5: APPEALS AND ADJUSTMENTS

Any person aggrieved by any charge for the use of the sewerage system may make written appeal to the WPCA within thirty days of the billing date, requesting a review of the user charge. This request shall, where necessary, show the actual or estimated flow and/or strength of the discharge in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

Any person aggrieved by any charge for the use of a sewerage system may appeal to the superior court for the judicial district wherein the municipality is located and shall bring any such appeal to a return day of said court not less than twelve or more than thirty days after service thereof. The judgement of the court shall be final.

ARTICLE 6: CHARGES FOR SEPTAGE

Charges for disposing of septage at the water pollution control facility shall be based on the same criteria as that used to determine sewer rates; that is, volume and concentration of the individual discharge.

ARTICLE 7: ORDINANCE IN FULL FORCE

This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Passed and adopted by the _____ of _____, State of Connecticut on the _____ day of _____,

Attest:

_____ (signed, Town Clerk) _____ (date)